

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 00-6273-CR-HUCK

UNITED STATES OF AMERICA,

*Plaintiff,*

vs.

ARIEL HERNANDEZ, et al.,

*Defendant,*

**MOTION TO EXPAND TIME TO FILE ADDITIONAL MOTIONS**

THE DEFENDANT, **ARIEL HERNANDEZ**, by and through the undersigned counsel, respectfully moves this Honorable Court for entry of an Order expanding the time within which to file additional motions, and in support thereof would state:

1. This Court has entered its Order directed that pre-trial motions be filed by March 2, 2001.
2. In previous status conferences the Court acknowledged that there may be additional motions which the parties may seek to file based upon future discovery received and other issues that may arise.
3. The Defendant anticipates that the he will seek to file additional Motions upon receipt of additional discovery. For example, although the Defendant has filed a Motion to Suppress Confessions, Admissions and Statements, this Motion is predicated upon grounds not related to the sufficiency of the Arrest Warrant for First Degree Murder. As of this date, the Affidavit upon which the Warrant was issued remains sealed and in the custody of the Broward County Clerk's Office. The undersigned and the Defendant's counsel in the State proceedings have been unable to obtain this Affidavit as of this date. Additionally, the undersigned has also been informed that neither the State

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nor the Federal prosecutors have been able to obtain this document.

4. Further, the Defendant has received no documentation in the form of either a Search Warrant or a Written Consent to Search which would justify the search of the apartment that the Defendant shared with his girlfriend, Tammy Bubel. It is anticipated that upon receipt of these documents, the Defendant may desire to file a Motion to Suppress Physical Evidence seized during this search.

5. A Motion to Sever The Trial of the Defendants predicated upon *Bruton v. United States*, 391 U.S. 123, 88 S.Ct. 1620, 20 L.Ed 2d 476 (S.Ct. U.S. 1968) may also be appropriate upon receipt of the statements of various co-defendants.

6. Finally, the government has informed the undersigned that it will seek to introduce testimony against Defendant, Trentacosta, to the effect that he defrauded or attempted to defraud the U.S. Government of millions of dollars in tax revenue in connection with a massive oil and gas scheme. The government has displayed, although not yet produced, a transcript of their witness' testimony which stood approximately two feet high when stacked on the table. In anticipation that this and similar information may be developed in the future, the Defendant anticipates that he may file a Motion for Relief From Prejudicial Joinder pursuant to Rule 14, Federal Rules of Criminal Procedure.

WHEREFORE, predicated upon inability to obtain the necessary documents to file pleadings, including motions to suppress evidence or statements the Defendant hereby moves this Court to extend the time for filing pleadings predicated upon receipt of the Arrest Warrant and additional discovery and investigative materials.

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6. Finally, the government has informed the undersigned that it will seek to introduce testimony against Defendant, Trentacosta, to the effect that he defrauded or attempted to defraud the U.S. Government of millions of dollars in tax revenue in connection with a massive oil and gas scheme. The government has displayed, although not yet produced, a transcript of their witness' testimony which stood approximately two feet high when stacked on the table. In anticipation that this and similar information may be developed in the future, the Defendant anticipates that he may file a Motion for Severance under Rules 8(b) and 14, Federal Rules of Criminal Procedure.

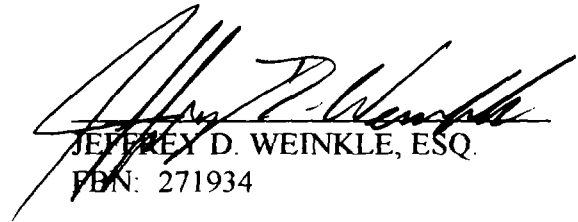
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The undersigned has attempted to contact AUSA Larry Levicchio regarding the Government's position with regard to this Motion, however, he was available for comment.

WHEREFORE, the Defendant respectfully moves this Honorable Court to enter its Order

Respectfully submitted,



JEFFREY D. WEINKLE, ESQ.  
FBN: 271934

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed/delivered this  
2nd day of March, 2001, to: United States Attorney's Office, AUSA Lawrence Lavecchio,  
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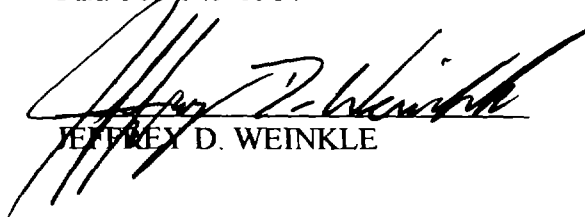
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